

LAW OFFICES OF
Murray Richman

2027 Williamsbridge Rd. Bronx, NY 10461
(718) 892-8588 • Fax (718) 518-0674

January 21, 2005

Honorable Raymond J. Dearie
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Received in the Chambers of
Hon. Raymond J. Dearie
1/26, 2005

Re: *U.S. v. Venero Mangano*
Docket No. 90-CR-446-4

Dear Judge Dearie:

On March 26, 1993, Mr. Venero Mangano, at age 71, received a lengthy prison sentence pursuant to a guilty verdict on counts 3 and 59 of a 69 count indictment: Mr. Mangano was found guilty of Extortion (18 U.S.C. §1951(a)) and Conspiracy of Extortion (18 U.S.C. §1951(a)). The United States Supreme Court just issued its long-awaited decisions in *U.S. v. Booker* and *U.S. v. Fanfan*, where it has held, *inter alia*, that the sentencing Guidelines are no longer mandatory. In light of these recent developments, we are seeking redress regarding this Court's determination to upwardly depart from the Guidelines when it sentenced Mr. Mangano to 188 months in prison. See, e.g. 18 U.S.C. §3742(a).

As counsel for Mr. Mangano, I am sending this letter in advance of an application pursuant to the Supreme Court's enunciation in *Booker* and *Fanfan* to challenge the constitutionality of Mr. Mangano's sentence. As the Supreme Court has delineated in *Booker* and *Fanfan*, the Guidelines are merely "advisory". Mr. Mangano received a 13 level enhancement, which put his Guidelines range at a level 31. According to this Guidelines Range Mr. Mangano should have received anywhere from 108-135 months (see, *Federal Sentencing Guidelines Manual* [2002 Ed.]). Instead, this Court upwardly departed from the Guidelines and sentenced Mr. Mangano to 188 months.

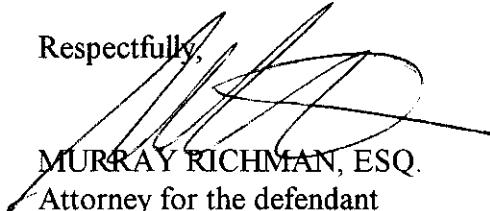
It is anticipated that it will take time to research the applicable law before filing such an application challenging the constitutionality of Mr. Mangano's sentence. But given Mr. Mangano's gravely failing health, where he has undergone two bypass heart surgeries, an aorta aneurism surgery, and where he suffers from macular degeneration (an untreatable condition), high blood pressure and other serious health conditions associated with old age, we are deeply concerned that, given the conditions of his confinement, Mr. Mangano - now 83 years old - may not survive the outcome of the anticipated application.

LAW OFFICES OF
Murray Richman

We are thus requesting that we be permitted to bring an application pursuant to *Booker* and *Fanfan*, and a motion for bail pending the outcome of the application. As stated, Mr. Mangano is gravely ill (a fact that can be easily substantiated through medical records and by treating physicians). He has served the better portion of his 188 months prison sentence (he has an early release date on April, 2006 and a max date of November, 2006). Bail pending the outcome of the forthcoming application will serve the interest of justice.

Your consideration in this matter is greatly appreciated.

Respectfully,



MURRAY RICHMAN, ESQ.
Attorney for the defendant

cc: United States Attorney
Eastern District of New York
147 Pierrepont Street
One Pierrepont Street
Brooklyn, NY 11201

Venero Mangano (03508-054)
FCI Butner
P.O. Box 999
Old Hwy 75
Butner, NC 27509